THE HON'BLE MR. JUSTICE V.V.S. RAO

THURSDAY, THE 15TH DAY OF DECEMBER, 2005

W.P.No. 26582 of 2005

Between:-

Chaitanya Kalasala Junior College, Karmanghat, Ranga Reddy district, rep., by its Special Officer-D. Ramakrishna Reddy.

--Petitioner

And

The District Collector, Ranga Reddy district, Lakdikapool, Hyderabad and another.

--Respondents

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:O R D E R:

Chaitanya Kalasala Junior College, Karmanghat, Ranga Reddy district, represented by its Special Officer-D. Ramakrishna Reddy filed a revision petition before the Joint Collector, Ranga Reddy district under Section 9 of the Andhra Pradesh Rights in Land and Pattedar Pass Books Act, 1971 (for short 'the Act') against the orders of the Mandal Revenue Officer dated 27-06-1996. The same was rejected by the impugned memo dated 04-08-2005 observing that the provisions of the Act have no application in respect of the lands used for non-agricultural purposes. This order is assailed in the writ petition.

It appears that the petitioner-college was established by Chaitanya Kala Samithi, a registered society, which obtained permission to establish a college vide orders of the Government in G.O.Ms.No.772 Education (V) Department dated 28-06-1975. So as to comply with the conditions of grant/sanction to start a college, the said society purchased land ad-measuring Ac.06-21 gts., in survey No.59 of Karmanghat village in the name of the petitioner-college, but got the property mutated in its name by approaching the Mandal Revenue Officer, who issued necessary orders in June, 1996. At the time of purchase of the property i.e., land and getting it mutated in its name, certainly it was an agricultural land and the petitioner-college was not established therein. The moment the petitioner-college is constructed on the agricultural land, the land ceased to be agricultural land and, therefore, the provisions of the Act have no application. If the petitioner-college claims an absolute title, ownership and interest in the land, its remedy lies elsewhere and the authorities under the Act cannot entertain any application by the reason of definition of 'land' in Section 2(4) of the Act.

The writ petition, for the above reasons, is misconceived and is accordingly dismissed. No costs.

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V.V.S. RAO, J

15-12-2005

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